

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES DONALD VANCE, JR.,

Plaintiff,

CASE NO. 1:18-CV-1188

v.

HON. ROBERT J. JONKER

GRAND RAPIDS HOUSING COMMISSION,

Defendant.

ORDER REGARDING REPORT AND RECOMMENDATION

The Magistrate Judge issued a Report and Recommendation recommending Plaintiff's request to proceed *in forma pauperis* be denied. Plaintiff filed objections to the Report and Recommendation (ECF No. 5). In his objections, Plaintiff attached additional materials that put the request in a new light. It appears Plaintiff does not have a liquid balance in his account as it originally appeared. Rather, it appears he gets a monthly disability check deposited against which he needs to meet expenses. If Plaintiff has some discretionary income after expenses, it is not much, even based on the original papers. Based on the updated papers, there may not be any.

The possibility of fee shifting is certainly a fair consideration, especially when a Plaintiff is proceeding with counsel. But here Plaintiff is proceeding pro se, and the fee shifting potential is less significant. As a prevailing party, he would be able to recover the filing fee with or without statutory fee shifting. And the immediate problem is the Plaintiff's ability to front the filing fee as a pro se party.

Accordingly, the court overrules the Report and Recommendation and grants Plaintiff's request for *in forma pauperis* status.

IT IS SO ORDERED.

Date: December 3, 2018

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE